



OLENE S. WALKER
Governor
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State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

ROBERT L. MORGAN
Executive Director

JERRY D. OLDS
State Engineer/Division Director

July 20, 2004

Ray Owens, Water Commissioner
Sevier River Distribution System
280 North 100 East
Joseph, UT 84739

re: Over-draft of Piute Reservoir

Dear Ray:

On Tuesday July 13, 2004, it came to our attention that the use of water from Piute Reservoir had not been properly allocated. The information we received indicated there was a 9,000 acre-foot deficit in the accounting for the reservoir balance.

Subsequent discussions with you revealed that approximately 3,000 acre feet of the deficit was due to over-use by Piute Reservoir Company and 6,000 acre feet was explained as "reservoir loss" over a three month period. While some (perhaps around 2,000 acre feet) of the reservoir loss can be attributed to evaporation, most of it appears to be due to faulty data and errors in record keeping and reservoir balance accounting.

This situation is of great concern to the Division. This is a significant amount of water that other irrigators were no doubt counting on to mature their crops, especially in a year as dry as this one has been.

An error of this magnitude does not happen over-night which implies that you did not pay close enough attention to the status of the water supply on the river over a period of at least several weeks. The credibility of the work that you do as a commissioner and also the credibility of the Division of Water Rights rest on your attention to the details of regulating water deliveries and the accuracy of your work and your decisions.

Of even greater concern is the fact that by the first of July you became aware this situation had developed and yet you did not communicate with the Division about the problem. We learned of the situation through a water user. The State Engineer appoints you as water commissioner and in that capacity you act as his authorized representative and are responsible first and foremost to him and the Division of Water Rights. It is your responsibility to make certain the decisions you make regarding water regulation are in harmony with the water rights of record and direction from this office.

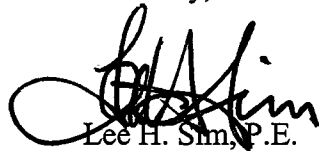
It is imperative that you immediately communicate any concerns or problems or irregularities in the water distribution to the Division. Our responsibility and our intent are to support you in your work as a water commissioner and to give any assistance necessary to help resolve distribution problems. However, we cannot help you if you do not communicate with us.

We believe that overall you do a good job as a water commissioner and our desire is to continue to work with you in that capacity. We expect that in the future you will communicate more regularly with our office including submitting the bi-weekly data sheets to the Richfield Regional Office.

We will be looking into this situation in some detail to determine its root causes. The purpose of this investigation is solely to find out how it occurred and prevent a future re-occurrence. We expect that you will cooperate fully with those who will be conducting the investigation.

If you have any questions regarding this please contact me by phone at 801-538-7380 or by e-mail at LeeSim@utah.gov or Kirk Forbush, Regional Engineer, by phone at 435-896-4429 or by e-mail at KirkForbush@utah.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee H. Sim". The signature is stylized with a large, looping initial "L" and a cursive "Sim".

Lee H. Sim, P.E.

Assistant State Engineer for Distribution

cc: Kirk Forbush, Regional Engineer
Ivan Cowley, Chairman – Sevier River Distribution System